




MEMORANDUM

TO: JOEL ROJAS, COMMUNITY DEVELOPMENT DIRECTOR

FROM: LEZA MIKHAIL, ASSOCIATE PLANNER 

DATE: APRIL 27, 2015

SUBJECT: CITY-INITIATED MODIFICATIONS TO THE 2014-2015 SPECIAL USE PERMIT CONDITIONS OF APPROVAL RELATED TO THE TENT CONSTRUCTION AND OPERATION OF THE APPROVED GRADUATION CEREMONIES AT MARYMOUNT CALIFORNIA UNIVERSITY (CASE NO. ZON2014-00312)

RECOMMENDATION

Approve the City-initiated modifications to the Director-approved 2014-2015 Special Use Permit (Case No. ZON2014-00312) conditions of approval related to the tent construction and operational activities of the approved Graduation ceremonies at Marymount California University.

BACKGROUND / DISCUSSION

On September 4, 2014, the Community Development Director approved a Special Use Permit to allow a series of outdoor special events (20 + 2 alternate dates), with amplified sounds, held during the 2014-2015 academic year, including the University's graduation ceremonies on May 8, 2015 and May 9, 2015. Additional background can be found in the September 2, 2014 Staff Report (see attachment).

As a result of impacts to neighboring properties related to the tent construction activities of the Gala Event in September 2014, which will be similar to the tent construction activities for the upcoming Graduation Ceremonies, the City is modifying the Special Use Permit's Conditions of Approval in an effort to mitigate the potential impacts related to the graduation tent. In order to ensure that the public was notified of these City-initiated modifications, a Public Notice was sent to all residents who reside within 500-feet of the subject property on April 10, 2015, providing a fifteen (15) day public comment period for the submittal of concerns. Additionally, Staff sent a copy of the Public Notice through the City's "listserve" to interested parties of Marymount California University. In response, Staff

received a number of comment letters (attached) from residents who noted concerns with the noise impacts from the temporary tent construction activities.

As a result of the public comments received, Staff was informed by the public that there were concerns related to the air hammers/jackhammers used to install the temporary tent, the permitted hours to allow the use of air hammers/jackhammers, the visibility and noise level of generators uses for the temporary events, and use of obtrusive temporary exterior lights. Additionally, concerns were also expressed with the temporary restroom facilities (porta potties) that are installed for the temporary tent events, such as the graduation ceremonies, and excess trash that accumulates as a result of these temporary special events. Given these concerns, the City has added or modified the existing conditions of approval to address the public concerns, as noted below. As a result of these modified conditions, the use of air hammers/jackhammers will be limited to specific days and hours. Furthermore, the holes created to support the tent will be required to be capped and maintained for future graduation tents. The intent of this condition is to eliminate the use of air hammers and jackhammers for future graduation tent construction. However, because the gala tent is a different size, next year's application may allow the use of air hammers/jackhammers for only the gala tent one additional time.

In addition to the above, one of the comments from Mrs. Diane Smith included information on the City's enforcement and citation rules when a property owner does not comply with a project's Conditions of Approval. The City has a code enforcement process in place that allows a property owner to bring a non-compliant use or activity into compliance with the Municipal Code or project-specific conditions of approval. Typically, the City sends three (3) notices of violation to a property owner, before forwarding an application to the City Attorney's office for potential prosecution. In the case where an applicant is requesting approval of temporary uses/activities, such as the University's annual Special Use Permit for amplified sound, it becomes difficult to observe and confirm noncompliance with the project-specific Special Use Permit conditions of approval because the event is typically short-term and typically occurs after business hours. Nonetheless, the City did adopt Ordinance No. 473 in 2008, which provides for an administrative remedy for any violation that does not create an immediate danger to health or safety, including, but not limited to, administrative fine-citations and compliance orders. Staff is proposing a condition of approval that affirms the regulations already permitted through City Ordinance. In addition, the City is requesting that the applicant acknowledge all new conditions, with the acceptance that noncompliance could result in future denial of similar applications.

In order to further mitigate potential impacts to neighboring properties related to the upcoming graduation ceremonies, Staff recommends that a number of conditions be modified as shown below. New conditions or language added to the existing conditions are illustrated in **bold and underline**, and deleted language/conditions are illustrated in ~~strikethrough~~. The following modifications are to the existing Conditions of Approval for the approved Special Use Permit (Case No. ZON2014-00312):

12. The tent proposed for the Graduation ceremonies shall comply with all Fire safety criteria, shall be installed in a safe and structurally sound manner, and shall be located in the area indicated on the attached

plan. The tent set-up and tear-down activities shall occur between the hours of 8:00 a.m. and 5:00 p.m., and the construction activities for the tent shall be limited to the days between May 5, 2015 and May 7, 2015, to be erected no sooner than 5 working days (Monday through Friday only) before the event and shall be removed within 48 hours of the conclusion of the event. All grounds shall be kept clear of trash and debris, and adequate trash receptacles shall be put in place to ensure that that trash and debris generated from the construction and operation of the graduation ceremony does not end up on neighboring properties.

- 12a. The temporary tent constructed for the Graduation Ceremonies that will occur on May 8, 2015 and May 9, 2015 shall be limited to 1,200 square feet in area and 35 feet in height, as measured from the lowest adjacent grade. The tent shall substantially comply with the plan submitted to the City on April 26, 2015, and as outlined in the conditions of approval.
- 12b. The University shall be permitted to use air hammers for the installation of the temporary tent between May 5, 2015 and May 7, 2015, provided the use of said air hammers does not occur before 10:00 AM or after 5:00 PM each construction day. The property owner shall cap and maintain the holes created for the installation of the graduation tent, and for the future use of the temporary graduation tent, to avoid the need to use air hammers/jackhammers in the future.
- 12c. The University shall be permitted to use a generator for light and sound, which shall be placed in the parking area near the existing classroom building, and shall be operated for light testing on Thursday, May 7, 2015, for rehearsals and Mass on Friday, May 8, 2015, and for graduation on Saturday, May 9, 2015. A temporary screen shall be installed around the generator to buffer the visibility of the generator from residences along San Ramon Dr., and to reduce the sound levels of the generator to no more than 65 dBA, as measured from the property lines.
- 12d. Prior to installation, the Community Development Director shall approve the location of all temporary restroom facilities, including but not limited to porta potties and portable sinks, which shall be generally located along the northwest side of the graduation tent and shall not be visible from the residential properties along San Ramon Dr.
- 12e. The University shall provide to the City Manager and/or Deputy City Manager the direct contact information to the Vice President of the University, should the City receive complaints related to the tent construction or operational activity of the Graduation ceremonies.

- 12f. No temporary exterior lights are permitted for the construction, tear-down or operation of the graduation ceremonies. All activities shall occur within the permitted time frames outlined in the Special Use Permit conditions stated herein.
21. Upon receiving and confirming a formal complaint of non-compliance with the Conditions of Approval of the 2014-2015 Special Use Permit, pursuant to Ordinance No. 473, an administrative citation shall be issued by the City to the property owner noting infraction of the non-compliance. The fee for said citation shall be based on Resolution No. 2008-44. Additionally, failure to comply with all conditions of approval set forth in this approval shall be cause for the City to deny future annual Special Use Permits for amplified sounds.

CONCLUSION

Based on the complaints received by neighbors during the construction of temporary tents for the Gala event in September 2014, the Community Development Director is approving the abovementioned modifications to the conditions of approval for the University's 2014-2015 Special Use Permit. A Notice of Decision reflecting the final Conditions of Approval will be sent to the Applicant and all interested parties.

Approved pursuant to Staff's Recommendation:


Joel Rojas, AICP
Community Development Director

Date: 4.29.15

Attachments

- Exhibit "A" – Revised Conditions of Approval
- September 2, 2014 Staff Report for SUP
- Comment Letters
- Project Plans

Exhibit "A"
Revised Conditions of Approval
Case No. ZON2014-00312 (Special Use Permit)
Marymount California University

General

1. The applicant/property owner shall submit to the City a statement, in writing that they have read, understand and agree to all conditions of approval listed below. Failure to provide said written statement within ten (10) days of the effective date of approval shall render this approval null and void.
2. The approval of Special Use Permit (Case No. ZON2014-00312) shall be limited to the dates and times for the special events listed in the attached Exhibit "B". The total number of events for the 2014-2015 academic year shall be limited to twenty-two (22), which includes the twenty (20) scheduled events and two (2) additional floating events to be approved by the Community Development Director. The applicant shall notify the Community Development Director at least thirty (30) days prior to holding the proposed floating events, for review and approval of these events. Any changes to the established schedule of events shall require review and approval by the Community Development Director, provided the change does not conflict with the CUP for the campus.
3. The hours of the proposed events shall be as identified in the attached schedule, unless otherwise noted herein, and the two floating events shall be limited to the hours of 12:00 p.m. to 1:30 p.m., on a weekday.
4. The two floating events shall be held at Chapel Circle, Cecilia Quad or Poolside only and shall not be held on Saturday's or Sunday's.
5. The Graduation Mass proposed on May 8, 2015 shall be from 3:00 p.m. to 6:00 p.m. only, and the Graduation Ceremony May 9, 2015 shall be from 11:00 a.m. to 3:00 p.m. only.
6. No live music or amplified sound shall be permitted at the East Parking Lot for events other than those associated with the Gala on September 27, 2014 and the Graduation activities on May 8, 2015 and May 9, 2015, as listed on the attached schedule (Exhibit "B").
7. The use of amplified sound shall be limited to the dates and times for events listed on the attached Exhibit "B". Any change to the established schedule shall be subject to the review and approval by the Community Development Director.
8. All sound amplification equipment used at any event shall be oriented away from any adjacent residential areas.
9. The applicant shall be responsible for the payment of all costs for Sheriff services, if

any, associated with complaints of noise or other disturbances to the surrounding development created by or resulting from these events, pursuant to Section 9.24 of the Rancho Palos Verdes Municipal Code.

10. If noise complaints are submitted to City Staff, the City reserves the right to require a Noise Consultant to monitor noise levels for any event approved through this permit to ensure that noise levels would not exceed 65 decibels, as measured from the closest property line. The applicant shall be responsible for the payment of all costs associated noise consulting services.
11. Any temporary lighting associated with the events shall be shielded and/or directed away from adjacent properties.
12. The tent proposed for the Graduation ceremonies shall comply with all Fire safety criteria, shall be installed in a safe and structurally sound manner, and shall be located in the area indicated on the attached plan. The tent set-up and tear-down activities shall occur between the hours of 8:00 a.m. and 5:00 p.m., and the construction activities for the tent shall be limited to the days between May 5, 2015 and May 7, 2015, and shall be removed within 48 hours of the conclusion of the event. All grounds shall be kept clear of trash and debris, and adequate trash receptacles shall be put in place to ensure that that trash and debris generated from the construction and operation of the graduation ceremony does not end up on neighboring properties.
 - 12a. The temporary tent constructed for the Graduation Ceremonies that will occur on May 8, 2015 and May 9, 2015 shall be limited to 1,200 square feet in area and 35 feet in height, as measured from the lowest adjacent grade. The tent shall substantially comply with the plan submitted to the City on April 26, 2015, and as outlined in the conditions of approval.
 - 12b. The University shall be permitted to use air hammers for the installation of the temporary tent between May 5, 2015 and May 7, 2015, provided the use of said air hammers does not occur before 10:00 AM or after 5:00 PM each construction day. The property owner shall cap and maintain the holes created for the installation of the graduation tent, and for the future use of the temporary graduation tent, to avoid the need to use air hammers/jackhammers in the future.
 - 12c. The University shall be permitted to use a generator for light and sound, which shall be placed in the parking area near the existing classroom building, and shall be operated for light testing on Thursday, May 7, 2015, for rehearsals and Mass on Friday, May 8, 2015, and for graduation on Saturday, May 9, 2015. A temporary screen shall be installed around the generator to buffer the visibility of the generator from residences along San Ramon Dr., and to reduce the sound levels of the generator to no more than 65 dBA, as measured from the property lines.
 - 12d. Prior to installation, the Community Development Director shall approve the location of all temporary restroom facilities, including but not limited to porta potties and

portable sinks, which shall be generally located along the northwest side of the graduation tent and shall not be visible from the residential properties along San Ramon Dr.

- 12e. The University shall provide to the City Manager and/or Deputy City Manager the direct contact information to the Vice President of the University, should the City receive complaints related to the tent construction or operational activity of the Graduation ceremonies.
- 12f. No temporary exterior lights are permitted for the construction, tear-down or operation of the graduation ceremonies. All activities shall occur within the permitted time frames outlined in the Special Use Permit conditions stated herein.
13. The City reserves the right to adjust any of the above conditions based on the conduct at any of the proposed events, as well as based on legitimate complaints received by the City from the community at large regarding the special events.
14. The City reserves the right to suspend or cancel this permit if activities are conducted contrary to the permit conditions at any time without incurring any liability to the permittee whatsoever. The City will generally provide notification of a violation with direction to the applicant to correct the violation. However, the City shall not be obligated to provide such notification, particularly when imminent health and safety issues involved.
15. No live music or amplified sound associated with an outdoor event shall be permitted on Sundays.
16. The project shall substantially conform to the plans stamped approved with the effective date of this approval.
17. The abandonment or non-use of this approval after a six-month period shall render the approval null and void.
18. All applicable permits required by the Building and Safety Division for any temporary structures associated with the approved outdoor events shall be obtained by the applicant prior to erecting said temporary structures.
19. In the event that a Planning requirement and a Building & Safety requirement are in conflict with one another, the stricter standard shall apply.
20. The subject Special Use Permit for the 2014-2015 (Case No. ZON2014-00312) academic school year shall only be valid if Marymount is in compliance with the conditions of approval memorialized in Conditional Use Permit (CUP) No. 9 – Revision “E”, adopted by the City Council on June 1, 2010, and amended on April 15, 2014, pursuant to Resolution 2014-25, or as required by any subsequent approvals/amendments to the CUP. If Marymount is not in compliance with the aforementioned CUP conditions of approval, the proposed events described herein

utilizing amplified sounds shall not be permitted until compliance is demonstrated to the satisfaction of the Community Development Director.

21. Upon receiving and confirming a formal complaint of non-compliance with the Conditions of Approval of the 2014-2015 Special Use Permit, pursuant to Ordinance No. 473, an administrative citation shall be issued by the City to the property owner noting infraction of the non-compliance. The fee for said citation shall be based on Resolution No. 2008-44. Additionally, failure to comply with all conditions of approval set forth in this approval shall be cause for the City to deny future annual Special Use Permits for amplified sounds.

Leza Mikhail

From: Jim Reeves <JReeves@marymountcalifornia.edu>
Sent: Friday, April 24, 2015 2:50 PM
To: Ara Mihranian
Cc: Leza Mikhail
Subject: RE: Marymount Graduation Tent

Hello Ara,

In response to the questions/ concerns raised about the need to jackhammer the stakes to secure the graduation tent I offer the following:

- I have been advised that we have used some form of air hammer last year in addition to other years to secure stakes for the graduation tent. Past use of this equipment has reportedly taken from 2-3 hours during the middle of the day during the tent construction phase.
- These pneumatic hammer devices are necessary to ensure that the staking is adequate to provide a safe tent.
- We continue to look at permanent anchoring solutions and are in conversation with tent vendors to see what specifications/ tolerances might be required to provide these permanent anchors.

Our history has been to make this important day a joyful one for our students with as little impact on our neighbors as reasonably possible.

Please let me know if you have additional questions or observations.

Jim

Jim Reeves

Sr. Vice President
Finance & Administration
Marymount California University
(310) 303-7330
JReeves@MarymountCalifornia.edu

amazing lives in view

MARYMOUNT
CALIFORNIA UNIVERSITY

From: Ara Mihranian [mailto:AraM@rpvca.gov]
Sent: Saturday, April 18, 2015 11:35 AM
To: Jim Reeves
Cc: Leza Mikhail
Subject: Marymount Graduation Tent

Hi Jim,

As you know, the city is processing a modification to marymount's 14/15 SUP to address potential impacts associated with the upcoming graduation tent/ceremony based on the reported impacts resulting from the gala tent.

In the meantime, I have suggested conditions that I plan to add to the approval that will require them to cap the holes they make this year for next year's graduation tent. And a similar condition will be added for the gala tent (it's a different size). That way the air hammers will not be needed every year for each event.

Ara

Sent from my iPhone

On Apr 16, 2015, at 10:24 AM, Diane Smith <radlsmith@cox.net> wrote:

Hi Ara and Leza,

I did not hear back from you yesterday so I looked through my prior correspondence regarding prior tent in the new east parking lot.

Came across this correspondence below from last year's Graduation Tent that did not require jackhammering.

You were going to reach out to Marymount regarding the difference between last year's graduation tent and the several gala tents that required jackhammering. Please let me hear from you. If I do not hear from you then I will visit the city and take a closer look at the whole file.

Diane

From: James [<mailto:bubba32@cox.net>]

Sent: Monday, May 12, 2014 10:12 AM

To: Diane Smith

Subject: Re: Marymount Graduation Tent

Diane

Thanks for following this.

No mention that I could find on Sunday or Monday of that event. Will be interesting to see if it is covered in this Thursday's Peninsula News. Nothing in LA Times or Daily Breeze so far.

I'm interested to compare this year's numbers of graduates with 2013. They had 46 BA and 77 AA in 2013.

Jim

Sent from my iPad

On May 12, 2014, at 9:21 AM, "Diane Smith" <radlsmith@cox.net> wrote:

fyi

From: Diane Smith [<mailto:radlsmith@cox.net>]

Sent: Monday, May 12, 2014 9:20 AM

From: Diane Smith [<mailto:radlsmith@cox.net>]
Sent: Wednesday, May 07, 2014 3:56 PM
To: 'Ara Mihranian'
Subject: RE: Marymount Graduation Tent

Dear Ara,

Thanks for your attention. The tent made it through the night and the workers, banging around, put the side up and there it is – but are you sure it is for graduation and not Cirque du Soleil? (just kidding). Trash still flowing.

Diane

From: Ara Mihranian [<mailto:AraM@rpv.com>]
Sent: Wednesday, May 07, 2014 1:19 PM
To: Diane Smith
Cc: bubba32@cox.net; 'Linda Gordon'; 'Gregory Lash'; gensar@cox.net; 'LOIS Karp'; zuggiel@yahoo.com; 'Marc Harris'; dtooley1@cox.net; Diggory1@aol.com
Subject: RE: Marymount Graduation Tent

Hi Diane,

Thank you for the information...very helpful.

I believe graduation is this coming Saturday, so hopefully the tent will be down in time for mother's day (the next day).

As for the required improvements, i.e. fence, related to the parking lot, I have a tickler set for next week to check-in with Marymount.

I will keep you all posted.

Cheers,

Ara

now before the 6' fence will contain it. The tent is absolutely gigantic – enormous – like a circus tent - looks like it takes up the whole length of the parking lot. I wonder what it looks like from the Harris/Tooley/Cornelius homes and if it will be down for our Mothers Day.

Diane

This email has been scanned by Marymount California University email security service

This email has been scanned by Marymount California University email security service

Leza Mikhail

From: James Gordon <bubba32@cox.net>
Sent: Monday, April 20, 2015 8:07 PM
To: Leza Mikhail
Cc: Ara Mihranian; jduhovic@hotmail.com
Subject: Marymount Graduation SUP Modification question - use existing on-site power

Liza

Has any thought been given to the use of existing, on-site electrical power instead of utilizing a generator?

As I recall, recently MCU spent multiple millions to upgrade their utility stems as well as more millions to construct this parking lot. That lot already has power in place that could readily be adapted to provide the necessary power for the Graduation ceremonies. Those ceremonies take place during daylight hours and thus do not require excessive electrical loads.

Will be interested to learn why tapping into the existing power grid on site would not be most effective for all concerned.

Thanks.

Jim Gordon

Sent from my iPad

Leza Mikhail

From: Diane Smith <radsmith@cox.net>
Sent: Thursday, April 16, 2015 10:25 AM
To: Ara Mihranian; Leza Mikhail
Subject: FW: Marymount Graduation Tent

FYI

From: Ara Mihranian [mailto:AraM@rpv.com]
Sent: Tuesday, May 13, 2014 4:44 PM
To: Diane Smith
Subject: RE: Marymount Graduation Tent

Diane,

Your reports have been very helpful to better understand what is involved with having graduation ceremonies at the parking lot, particularly the time to set-up and tear-down the tent. I am documenting this for next year, which will be reflected in the Special Use Permit the city processes annually for Marymount's outdoor events with amplified sound.

Thanks again!
Ara

Ara Michael Mihranian
Deputy Director of Community Development


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Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Wednesday, April 15, 2015 5:01 PM
To: Ara Mihranian; Leza Mikhail
Subject: Marymount Special Events Permit modification - Construction Noise - Noise - Environment - FHWA

Hello Leza and Ara,

I am still waiting for answers to my specific requests/questions.

Also, Jim Gordon was able to obtain for me some statistics which indicate the severity of the noise you want to allow. This project is directly next to San Ramon homes and bedrooms - there is only a 40' buffer zone between the east parking lot and San Ramon.

Jim Gordon pointed out to me: that the Air Compressor is not quite as loud as the jackhammering but it feeds compressed air to make the jackhammer work.

You get BOTH, not just one or the other.

They are both above the limit of NOISE that the EIR considered acceptable (70 db.), and were part of the reason that there was a Significant and Unavoidable environmental impact (Construction Noise) in the 2010 EIR that could not be mitigated, requiring a submittal of a Statement of Overriding Considerations in order to allow the EIR to be approved.

Therefore, I would appreciate your responses as soon as possible.

Thank you.

Diane

-----Original Message-----

From: James [mailto:bubba32@cox.net]
Sent: Wednesday, April 15, 2015 2:24 PM
To: Diane Smith
Subject: 9.0 Construction Equipment Noise Levels and Ranges - Handbook - Construction Noise - Noise - Environment - FHWA

Diane, et al

Here is a listing of the noise impacts of all types of construction equipment including jackhammers which are near the top of the schedule.

Jim

http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm

Sent from my iPad=

Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Tuesday, April 14, 2015 3:50 PM
To: Ara Mihranian; Leza Mikhail
Subject: Questions - Penalties for Abuse of Special Event Permit

Hi Ara and Leza,

Would you please check with the City Manager to see if fines can be imposed against Marymount (or other entities) for failure to comply with its Special Event Permits and Conditional Use Permits? Marymount has had so many abuses – the City used to keep track but apparently does not anymore. The City should keep a record of the abuses and then they might realize that Marymount, a religious institution, does not keep its word. Maybe impose fines after a certain number of abuses? Do other cities impose fines for chronic abusers?

Diane

Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Tuesday, April 14, 2015 3:35 PM
To: Leza Mikhail; Ara Mihranian
Subject: Marymount Special Event Permit

Hi Leza and Ara,

I oppose your authorization for Marymount to jackhammer until 5 pm for their tent set up.

Last September, the jackhammering was so terrible that my neighbor William Cornelius was repeatedly jolted in his chair – all day and into the night.

Mr. Cornelius died shortly after that. I am sure the jackhammering did not make his last days very pleasant.

We have several elderly residents and retired residents on San Ramon Drive that are home all day.

Why would you take away residents peace and quiet and give it to Marymount?

What do we get but jolted nerves?

Marymount has broken their agreements in the past so what's to prevent them from doing it again?

Now you REWARD them with official permits to jackhammer?

Failing to penalize Marymount for breaching their agreements only makes them laugh at you – and us – and encourages them to disobey the rules again.

How can Marymount teach their students good behavior and rules when they themselves can't follow rules.

Sincerely,
Diane Smith

Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Tuesday, April 14, 2015 12:13 PM
To: Leza Mikhail; Ara Mihranian
Subject: Marymount Graduation

Would you please assure us, in writing, that all of Marymount's noise making machines and devices as well as sources of odors, etc. are located closest to Marymount buildings and not to San Ramon homes?

Thanks,
Diane

Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Tuesday, April 14, 2015 3:35 PM
To: Leza Mikhail; Ara Mihranian
Subject: Marymount Special Event Permit

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How can Marymount teach their students good behavior and rules when they themselves can't follow rules.

Sincerely,
Diane Smith

Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Tuesday, April 14, 2015 11:12 AM
To: Leza Mikhail
Cc: Ara Mihranian
Subject: RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

Hi Leza,

I thought my questions were very clear.

If Marymount breaches its agreement of the Special Use Permit then what is the penalty?

That's pretty clear.

Basically, San Ramon residents do not sit out front of their properties for enjoyment – they sit out back. The south-facing San Ramon residents at the top of the street face a wall with Marymount's parking lot, swimming pool, tennis courts, basketball courts, grow garden in the new east parking lot with overhead lights and headlights - - all in the face of San Ramon residents.

When Marymount has "events" the porta poties, generators, lights, megaphones, everything is next to San Ramon Drive. It must stop.

No more.

No more Marymount blasting San Ramon residents.

Marymount's noise should be aimed at their buildings and not ours.

Marymount's noise and lights should be aimed at their buildings and not ours.

One time Marymount's president went before city council and the cameras (public) and said Marymount needs their grow garden in the parking lot for prayer.

Well, we residents pray in our backyards. That's where we spend most of our outside time – in our back yards and not in the front where there are vehicles.

Your staff report should describe San Ramon residents before any other residents – you always leave San Ramon to the end when you've "lost" your readers.

We want the city to put San Ramon first.

We pay taxes and Marymount does not.

We fought long and hard to cap enrollment and still you, the city, has not resolved the enrollment discrepancy. No traffic studies were done for night students so you can stop night classes entirely. We don't want night classes. Our children go to bed around 8 pm and Marymount makes too much noise.

Maybe I'm getting off subject but you can see that we are fed up with the City's giving away our property rights to Marymount.

We get nothing out of Marymount but a reduction of the use and enjoyment of our property.

We want to be notified if Marymount is going to bring in huge diesel trucks to do maintenance.

We do not want the generators next to San Ramon – put them in front of classrooms.

We do not want the porta potties upwind from San Ramon – put them in front of classrooms.

We do not want megaphones aimed at San Ramon – aim them at classrooms.

Marymount has made their sloped land flat in the past – with their prior athletic field – so let them build elsewhere – not next the San Ramon. Every time I think there is not one more foot that Marymount can build next to us - - - they find one.

Marymount has another campus in San Pedro and San Pedro has lots of room for athletic fields and graduation tents and San Pedro welcomes the business.

We are a quiet residential community.

We don't need them.

Leza Mikhail
Associate Planner



City of Rancho Palos Verdes

Planning Department

30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

www.rpvca.gov

(310) 544-5228 – (310) 544-5293 f

lezam@rpvca.gov

From: Diane Smith [<mailto:radlsmith@cox.net>]
Sent: Tuesday, April 14, 2015 8:57 AM
To: Leza Mikhail
Subject: RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

I would rather handle this in writing Leza.

Would you and Ara please respond in writing.

Also, your “modifications” only seem to be endorsements of Marymount’s noise and nuisance. Maybe you could give me a “redline” of the prior Special Use Permit and the present one.

Thanks,

Diane

From: Leza Mikhail [<mailto:LezaM@rpvca.gov>]
Sent: Monday, April 13, 2015 5:53 PM
To: Diane Smith
Cc: Ara Mihranian
Subject: RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

Hello Diane,

Unfortunately, Ara and I did not get a chance to connect today and give you a call to discuss your questions and comments. Are you available to talk tomorrow afternoon? I’m open in the afternoon, as is Ara. What time works best for you so we can coordinate a specific time to give you a call?

*Please Note: Effective 02/20/15, the City’s new email address is “@rpvca.gov” Please update your contact information for me to reflect lezam@rpvca.gov as my new email.

Leza Mikhail
Associate Planner



City of Rancho Palos Verdes

Planning Department

30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

www.rpvca.gov

(310) 544-5228 – (310) 544-5293 f

lezam@rpvca.gov

From: Diane Smith <radlsmith@cox.net>
Sent: Friday, April 10, 2015 4:04:30 PM
To: Leza Mikhail; Ara Mihranian
Subject: FW: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

I received your combined voice message left last night at 7:22 pm.
I hope you received my questions below. Thanks.
Diane

From: Diane Smith [<mailto:radlsmith@cox.net>]
Sent: Thursday, April 09, 2015 10:43 PM
To: 'Lezam@rpvca.gov'
Subject: FW: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

Hi Leza,
Would you please clarify the precise location of the generator?
Will the generator be closest to Marymount classrooms or to San Ramon homes?
Would you please specify the penalty for Marymount failing to adhere to the permit?
Thanks so much,
Diane Smith
2704 San Ramon, RPV

From: City of Rancho Palos Verdes [<mailto:listserv@civicplus.com>]
Sent: Thursday, April 09, 2015 7:50 PM
To: radlsmith@cox.net
Subject: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

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City-Initiated Modification to the Special Use Permit Conditions of Approval

Pursuant to Condition No. 13 of the Marymount California University's Special Use Permit for the 2014-2015 academic year, the City of Rancho Palos Verdes proposes to modify the Conditions of Approval related to the tent construction and operational activities associated with the upcoming Graduation ceremonies in May 2015.

[Click here](#) to view the Public Notice

Inquiries should be directed to Leza Mikhail at 310-544-5228 or via email at Lezam@rpvca.gov.
City-Initiated Modification to the Special Use Permit Conditions of Approval

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Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Tuesday, April 14, 2015 12:13 PM
To: Leza Mikhail; Ara Mihranian
Subject: Marymount Graduation

Would you please assure us, in writing, that all of Marymount's noise making machines and devices as well as sources of odors, etc. are located closest to Marymount buildings and not to San Ramon homes?

Thanks,
Diane

Leza Mikhail

From: Diane Smith <radlsmith@cox.net>
Sent: Tuesday, April 14, 2015 10:51 AM
To: mfrusteri@cox.net
Cc: Leza Mikhail; Ara Mihranian
Subject: FW: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval
Attachments: Staff Report.pdf

To: Bill Pratley, President, San Ramon Homeowners Association

Hi Bill,

By this email I am blind copying all of the residents on San Ramon Drive that have requested email notices. I would ask everyone to speak now while we have an opportunity.

Marymount has increased and aimed its noises/nuisances at San Ramon Drive in the past several years as their traffic, day and night, has increased.

In the past, several neighbors have complained about noise and nuisance directly to Marymount but, naturally, Marymount has not shared these complaints with the city. Please do not complain Marymount in the future – if you have complaints during City business hours then complain, in writing, to the city. If it is after hours then call the Sherriff and email the city too.

I have complained directly to the city for each and every nuisance ever since Marymount turned on its ridiculous lights in the new East Parking Lot June 23, 2013 with two rows of vehicle headlights pointed at downslope San Ramon properties. When I finally appeared in person at the City Hall to complain I was asked, “where were you?” My response was that, “I’m here now and I’m going to watch everything you do.”

Since that time, I have been very careful to document, with photographs when possible, every single nuisance I have suffered and I have forwarded my complaints, in writing, with my photographs to the city “for the record.”

Since I have been very public about my complaints, many neighbors have come to me telling me that they too complained about Marymount’s noise and nuisance but they complained to Marymount directly. I have heard complaints about the summer program where the instructor uses a megaphone and blasts instructions to kids and asks them for their affirmative responses over and over and over again. I too heard the noise all the way at the end of San Ramon. Neighbors have complained to Marymount but Marymount doesn’t care and continues to abuse its neighbors. Neighbors have complained about Marymount students climbing on the wall behind their homes and looking in windows, complained about students smoking, gathering behind homes, lights, banging noises, basketball noises, tennis balls in backyards and on and on.

The City states in their Staff Report that there are no complaints.

I would like some back-up.

If residents do not want to respond directly to Ara Mihranian and Leza Mikhail then they can respond to me and I will add their names to those neighbors that have experienced and voiced complaints about Marymount noise, nuisances, etc.

Thanks so much,

Diane

From: Leza Mikhail [mailto:LezaM@rpvca.gov]

Sent: Tuesday, April 14, 2015 9:56 AM

To: Diane Smith

Subject: RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

Hello Diane,

From: Leza Mikhail [<mailto:LezaM@rpvca.gov>]

Sent: Monday, April 13, 2015 5:53 PM

To: Diane Smith

Cc: Ara Mihranian

Subject: RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

Hello Diane,

Unfortunately, Ara and I did not get a chance to connect today and give you a call to discuss your questions and comments. Are you available to talk tomorrow afternoon? I'm open in the afternoon, as is Ara. What time works best for you so we can coordinate a specific time to give you a call?

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Leza Mikhail
Associate Planner



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lezam@rpvca.gov

From: Diane Smith [<mailto:radlsmith@cox.net>]

Sent: Friday, April 10, 2015 5:26 PM

To: Leza Mikhail

Cc: Ara Mihranian

Subject: RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

Hi Liza,

I look forward to receiving your responses Monday. Thanks.

I hope you too, and Ara, have a nice weekend.

Diane

From: Leza Mikhail [<mailto:LezaM@rpvca.gov>]

Sent: Friday, April 10, 2015 5:10 PM

To: Diane Smith; Ara Mihranian

Subject: RE: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

Hello Diane,

I hope you are enjoying your Friday. Yes, I got your questions and will try to answer them on Monday, when I'm back in the office. You raise some good questions. I also have an email that you sent about a month ago where you raised a great point related to the temporary porta potties! We will try to have your concerns resolved in this City-initiated modification to the University's SUP.

From: City of Rancho Palos Verdes [<mailto:listserv@civicplus.com>]
Sent: Thursday, April 09, 2015 7:50 PM
To: radlsmith@cox.net
Subject: Marymount - City Initiated Modification to the Special Use Permit Conditions of Approval

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City-Initiated Modification to the Special Use Permit Conditions of Approval

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[Click here](#) to view the Public Notice

Inquiries should be directed to Leza Mikhail at 310-544-5228 or via email at Lezam@rpvca.gov.
City-Initiated Modification to the Special Use Permit Conditions of Approval

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You are receiving this message because you are subscribed to Marymount College Expansion Project on www.rpvca.gov. To unsubscribe, click the following link:

<http://www.rpvca.gov/list.aspx?mode=del>

If clicking the link doesn't work, please copy and paste the link into your browser.

Leza Mikhail

From: Ara Mihranian
Sent: Wednesday, March 18, 2015 8:10 AM
To: Leza Mikhail
Cc: Joel Rojas
Subject: Fwd: RPV General Plan - NOISE - Marymount Special Use Permit
Attachments: image001.png

Let's discuss.

Sent from my iPhone

Begin forwarded message:

From: Diane Smith <radlsmith@cox.net>
Date: March 18, 2015 at 7:53:00 AM PDT
To: 'Ara Mihranian' <AraM@rpvca.gov>
Subject: RE: RPV General Plan - NOISE - Marymount Special Use Permit

Ara,

In response to your question to me, Marymount should not erect a tent that requires jackhammering or any such horrible noise. They never used such a system in the past – and knowing how fragile and vigilant we were last year and how non-vigilant the City was, Marymount said, “screw you” residents and went on jackhammering. In my mind’s eye, I can still see my neighbor, dear Bill Cornelius, “jolting” every time the jackhammering “hit” which went on and on over two hours past the time limit Marymount agreed to.

Marymount’s porta potties should be located looking at Marymount’s buildings and not our homes.

From now on I am not waiting for the City or anyone to help when Marymount violates its Conditional Use Permits and Special Permits – I’m calling the police and emailing the newspaper and will gather residents to protest. If I am alone with my protest sign then so be it. The City of Rancho Palos Verdes has already proven to me that it does not give a damn about the violent noise and abuse imposed on residents by Marymount.

The City of Rancho Palos Verdes has already proven to me that picking up trash is not a priority in our city – and the City solicits and uses good resident “Volunteers” to supplement their inability or unwillingness to do their jobs - they don’t care about trash in our city caused by Marymount, by people coming to Rancho Palos Verdes beach, Abalone cover and on our trails.

The City of Rancho Palos Verdes has already proven to me that they really don’t really care about Marymount’s broken pipes or overhead lights. It took months to get Marymount to fix its broken pipes at the top of the South Shores landslide and regarding lights, the City Planning Commission even invited me to grow my trees to block out Marymount’s lights. So I will. My trees will also block my neighbors views and I will have to tell my neighbors to go to the City’s View Restoration process to force me to remove them. What a joke.

No one from the City came out and took photographs of the jackhammering to support a detailed report – I had to send a resident to take pictures because Marymount has forbidden me to go on their property

Diane

From: Ara Mihranian [<mailto:AraM@rpvca.gov>]
Sent: Tuesday, March 17, 2015 7:03 PM
To: Diane Smith
Subject: RE: RPV General Plan - NOISE - Marymount Special Use Permit

Hi Diane,

As a result of the gala tent noise complaints, the City is proposing to add stricter conditions on the SUP for the upcoming graduation event to regulate the days and hours of the tent set-up and tear-down. I believe Leza issued a new public notice last week.

Do you have any suggested conditions you think would be appropriate to impose for the graduation event?

Ara

Ara Michael Mihranian
Deputy Director of Community Development



30940 Hawthorne Blvd.
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310-544-5293 (fax)
aram@rpvca.gov
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WE ARE IN PROCESS OF SWITCHING TO A NEW WEB AND EMAIL DOMAIN. IF YOU HAVE ME IN YOUR CONTACTS, PLEASE SWITCH MY EMAIL FROM ARAM@RPV.COM TO ARAM@RPVCA.GOV.



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From: Diane Smith [<mailto:radlsmith@cox.net>]
Sent: Tuesday, March 17, 2015 6:40 PM
To: Ara Mihranian
Subject: RPV General Plan - NOISE - Marymount Special Use Permit

Hi Ara,

RECEIVED

APR 23 2015

COMMUNITY DEV

DEPART

JACK KARP

31115 Ganado Drive

Rancho Palos Verdes, CA 90275-6246

Tele: 310-377-6349 Fax: 310-868-2880

Email: jkarp@cox.net

April 19, 2015

Sent by email: lezam@rpvca.gov & USPS

Leza Mikhail, Associate Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: Response to Condition No.13 of the Marymount California University (MCU)
Special Use Permit for 2014-2015 – City-Initiated Modification of the CUP related
to the construction and Operational Activities Case No. ZON2014-00312

This communiqué represents thoughts of the author and no other person(s)
organization or entity.

The undersigned believes a celebratory event should be joyfully celebrated by all
the participants and is a worthy endeavor. However, any celebration shall not
impinge or adversely impact the peace and tranquility of the neighbors adjacent
to or in proximately the venue of the event.

The following comments are additions, suggestions or modification of those
proposed in the Notice of April 10, 2015.

1. MCU shall advise the participants of the adequate on campus parking and
not to park on the public streets
2. The City of RPV and MCU and the contractor for the tent installation,
generator and other amenities shall appoint a special liaison person with
accessibility 24/7 prior to the commencement of construction and
subsequent demolition to have the authority to immediately shut down the
process and or make modifications in their sole judgment. The RPV
representative shall have unfettered power to close the event for violations
of this permit. Any expenses incurred by RPV shall be, on demand,
reimbursed by MCU.
3. As both a condition and covenant of the issuance of a Special Use Permit
(SUP) the contractor shall provide a written acknowledging their
awareness of the City Codes and conditions imposed upon this project.
4. Contractor in addition to observing RPV Codes should use Best Practices
to minimize the impacts on the adjoining neighborhood.

5. No pneumatic tools (jack hammers) shall be used in the construction or demolition of facilities for this event. Electric Power generators shall be placed as far away from surrounding homes as possible as they emit fumes as well as noise. Electrical generators shall be equipped with hush kits to reduce sound to fewer than 65 decibels at the property line, as per RPV Code. Furthermore, the generator should be operated in a safe and sane manner according to manufacturers specifications. Absorbent material shall be placed on or about the generator location to absorb leaks or spills. An industrial spill kit should be in close proximity as well as ABC Fire Extinguishers. Los Angeles County Fire Department (LACOFD) requests should be fully honored. Any fuel transfers between generator and refueling vehicle shall be fully grounded.
6. An occupancy permit issued by LACOFD shall be in place. There shall be a cleared pathway from the property entrance to the generator site and shall be kept free and clear at all times.
7. The number of tents and square footage shall not be increased.
8. Contractor and MCU shall use its best efforts to acquire and install a permanent base for the tent poles that does not require the use of pneumatic tools. Other alternative methods should be considered to support the tent poles (i.e. barrels filled with gravel).
In the event that there is a violation of the restrictions above and including those set forth in the RPV Notice dated April 10, 2015, and any other Special Use Permits shall be deemed void.
9. The contents of this communiqué and those in the RPV Notice dated April 10, 2015 maybe be melded into one and contractually agreed upon by all parties.

The suggestions for modifications to tent installations shall apply for all future events. It is imperative to find an alternative to pneumatic tools which adversely impact the peace and tranquility of all residents who live in the vicinity of MCU. If pneumatic tools are approved it means that approximately every 4 to 8-months we repeat this unacceptable practice.

This letter may become part of the public record and quotations from this letter shall be in the proper context and shall be used to reflect the true meaning of the author. For all matters listed above it shall be conclusively deemed time is of the essence.

Yours truly,


Jack Karp

Cc Joel Rojas, Director of Community Development